

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHER DISTRICT OF OHIO
EASTERN DIVISION

FILED
JAMES BONINI
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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

Main & Champ Food & Deli, Inc., :
An Ohio Corporation :
d/b/a Champion Market :
1130B E. Main Street :
Columbus, Ohio 43205 :

And :

Belal Alrawahneh, President :
Main & Champ Food & Deli, Inc., :
1130B E. Main Street :
Columbus, Ohio 43205, :

Plaintiffs, :

-vs- :

The United States of America :
Secretary of Agriculture :
Food and Nutrition Service :
3101 Park Center Drive :
Alexandria, Virginia 22302 :

And :

United States of America :
Secretary of Agriculture :
14 Independence Avenue :
Washington, D.C. 20090, :

Defendants. :

CASE NO.

2:10 cv 145

JUDGE SARGUS
MAGISTRATE JUDGE KEMP

COMPLAINT

I. PARTIES

1. Main & Champ Food & Deli, Inc., Plaintiff, is an Ohio corporation authorized to do business in the State of Ohio that owns and operates a grocery store and supermarket known as Champion Market, located at 1130B E. Main Street, Columbus, Ohio 43205.

2. Belal Alrawahneh, Plaintiff, is and was at all times pertinent, President of Main &

Champ Food & Deli, Inc.

3. The Defendant, United States of America, through Congress, has conferred authority upon the Secretary of the United States Department of Agriculture (hereinafter the “Department”), to administer the provision of the Food Stamp Act of 1977 (Pub. L. 95-113), as amended.

4. The Food and Nutrition Service (“FNS”) is an agency within the Department of Agriculture. The Department has delegated authority to FNS to act on behalf of the Department in the administration of the Supplemental Nutrition Assistance Program (“SNAP” formerly known as the Food Stamp Program). 7 C.F.R. § 271.3(a).

II. JURISDICTION AND VENUE

5. The jurisdiction of this Court is invoked pursuant to 7 U.S.C. § 2023(a), 28 U.S.C. § 1331 and 7 C.F.R. § 279.1(a).

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1402 and 1391(e); and 7 C.F.R. § 279.1(a).

III. STATEMENT OF CLAIM FOR RELIEF

7. On or about October 27, 2009, the FNS Compliance Center issued a written notice permanently disqualifying the Plaintiffs from participation in the Supplemental Nutrition Assistance Program (“SNAP” formerly known as the Food Stamp Program) in accordance with 7 C.F.R. § 278.6(e)(1) for trafficking. A copy of the Compliance Center’s determination is marked as Exhibit “A”, and attached hereto and made a part hereof.

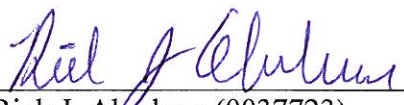
8. On or about November 6, 2009, Plaintiffs, within the time provided by law, filed a Request for Review with the Department’s Administrative Review Division. A copy of this request is marked as Exhibit “B”, and attached hereto and made a part hereof.

9. The Department's Administrative Review Officer issued a Final Agency Decision, dated January 22, 2010, which was received by Plaintiffs' attorneys on or about January 25, 2010. This Decision sustained the decision for permanent disqualification imposed by the Midwest Region Compliance Center South. A copy of said Final Agency Decision is marked as Exhibit "C", and attached hereto and made a part hereof.

10. Pursuant to 7 U.S.C. § 2023 and 7 C.F.R. § 279.1(a), Plaintiffs file this Complaint objecting to the administrative agency Decisions as rendered. Plaintiffs are entitled to a trial *de novo*, as provided in 7 C.F.R. §279.1(c) to set aside the final administrative decision.

11. Plaintiffs further state that the findings and order of the Defendants are not supported by reliable, substantial and probative evidence. Further, Plaintiffs state that the Department and FNS abused their discretion by refusing to exercise their discretion as required by applicable statutes, rules and regulations. In addition, Plaintiffs have been deprived of their substantive and procedural rights under the Due Process Clause of the Fifth Amendment to the United States Constitution.

WHEREFORE, Plaintiffs demand a trial *de novo*; an Order reversing and setting aside the administrative actions, and for such other relief to which Plaintiffs may be entitled.


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